

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

John Patrick Murphy,

Case No. 18-CV-1315 (PJS/LIB)

Petitioner,

vs.

ORDER

Eddie Miles, Warden Stillwater  
Correctional Facility, Minnesota,

Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, dated August 8, 2018. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, IT IS HEREBY ORDERED that:

1. That this matter is **DISMISSED without prejudice**, for lack of jurisdiction.
2. No certificate of appealability will be issued.
3. Let Judgment be entered accordingly.

Dated: August 24, 2018

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge